

## COMMERCE AND NAVIGATION

*Convention, with annexed declaration, signed at Brussels May 20, 1863,  
supplementing treaty of July 17, 1858*

*Ratified by Belgium February 20, 1864*

*Senate advice and consent to ratification February 26, 1864*

*Ratified by the President of the United States March 5, 1864*

*Ratifications exchanged at Brussels June 27, 1864*

*Entered into force June 27, 1864*

*Proclaimed by the President of the United States November 18, 1864*

*Supplemented by treaty of July 20, 1863 <sup>1</sup>*

*Articles II and III terminated July 1, 1875 <sup>2</sup>*

13 Stat. 647; Treaty Series 22 <sup>3</sup>

The President of the United States of America, on the one side,

His Majesty the King of the Belgians on the other side, having deemed it advantageous to complete by new stipulations, the Treaty of Commerce and navigation entered into by the United States and Belgium on the seventeenth day of July, Eighteen hundred and fifty eight,<sup>4</sup> have resolved to make a Convention in addition to that arrangement, and have appointed for their Plenipotentiaries, namely:

The President of the United States, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians,

His Majesty the King of the Belgians, the Sieur Charles Rogier, Grand Officer of the Order of Léopold, decorated with the Iron cross, Grand cross of the Order of the Ernestine Branch of Saxony, of the Polar Star, of S<sup>t</sup> Maurice and S<sup>t</sup> Lazarus, of Our lady of the Conception of Villa-Viçosa; of the Legion of honour, of the white Eagle &<sup>a</sup> a Member of the Chamber of Representatives, His Ministre of foreign affairs, who, after having communicated to each other their full powers found to be in good and proper form, have agreed upon the following articles:

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<sup>1</sup> TS 23, *post*, p. 471.

<sup>2</sup> Pursuant to notice of termination given by the United States July 1, 1874.

<sup>3</sup> For a detailed study of this convention, see 8 Miller 939.

<sup>4</sup> TS 20, *ante*, p. 454.

## ARTICLE I

From and after the day when the capitalization of the duties levied upon navigation in the Scheldt shall have been secured by a general arrangement.

1<sup>st</sup> The tonnage dues levied in Belgian ports shall cease;

2<sup>nd</sup> Fees for pilotage in Belgian ports and in the Scheldt, in so far as it depends on Belgium, shall be reduced twenty per centum for sailing vessels, twenty five per centum for vessels in tow, thirty per centum for steam-vessels;

3<sup>d</sup> Port dues and other charges levied by the city of Antwerp shall be throughout reduced.

ARTICLE II <sup>5</sup>

In derogation to the ninth article of the Treaty of the seventeenth of July Eighteen hundred and fifty-eight, the flag of the United States shall be assimilated to that of Belgium for the transportation of salt.

ARTICLE III <sup>5</sup>

The tariff of import duties resulting from the Treaty of the first of May Eighteen hundred and sixty one between Belgium and France, is extended to goods imported from the United States on the same conditions with which it was extended to Great Britain by the Treaty of the twenty third of July Eighteen hundred and sixty two.

The reduction made by the Treaties entered into by Belgium with Switzerland, on the eleventh of December Eighteen hundred and sixty two, with Italy on the ninth of April Eighteen hundred and sixty three, with the Netherlands on the twelfth of May Eighteen hundred and sixty three, and also with France on the twelfth of May Eighteen hundred and sixty three shall be equally applied to goods imported from the United States.

It is agreed that Belgium shall also extend to the United States the reductions of import duties which may result from her subsequent Treaties with other powers.

## ARTICLE IV

The United States in view of the proposition made by Belgium to regulate, by a common accord, the capitalisation of the Scheldt dues, consents to contribute to this capitalisation under the following conditions,

A. The capital sum shall not exceed thirty six millions of francs.

B. Belgium shall assume for its part one third of that amount.

C. The remainder shall be apportioned among the other States pro rata to their navigation in the Scheldt.

D. The proportion of the United States to be determined in accordance with this rule shall not exceed the sum of two millions seven hundred and seventy nine thousand two hundred francs.

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<sup>5</sup> Terminated July 1, 1875 (see footnote 2, p. 468).

E. The payment of the said proportion shall be made in ten annual installments of equal amount which shall include the capital and the interest on the portion remaining unpaid at the rate of four per centum.

The first installment shall be payable at Brussels on the first day of April eighteen hundred and sixty four, or immediately after the Congress of the United States shall have made the requisite appropriation. In either event the interest shall commence to run on the date of the first of April eighteen hundred and sixty four above mentioned.

The Government of the United States reserves the right of anticipating the payment of the proportion of the United States.

The above mentioned conditions for the capitalisation of the Scheldt dues shall be inserted in a general Treaty to be adopted by a Conference of the maritime States interested, and in which the United States shall be represented.

#### ARTICLE V

The articles I and IV of the present additional Convention shall be perpetual, and the remaining articles shall together with the Treaty of Commerce and navigation made between the High Contracting parties on the seventeenth of July eighteen hundred and fifty eight, have the same force and duration as the treaties mentioned in article III.

The ratifications thereof shall be exchanged with the least possible delay.

In faith whereof the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Made in duplicate and signed at Brussels, the twentieth day of May eighteen hundred and sixty three.

H. S. SANFORD	[SEAL]
CH. ROGIER	[SEAL]

#### DECLARATION ANNEXED TO THE ADDITIONAL CONVENTION SIGNED THIS DAY BETWEEN THE UNITED STATES AND BELGIUM

The Plenipotentiary of the United States having required that the attributions of the Consuls of the United States in Belgium should become the object of farther stipulations, and it having been impracticable to complete in season the examination of the said stipulations, it is agreed that the Belgian Government will continue that examination with the sincere intent to come to an agreement as early as may be possible.

Done at Brussels, in duplicate the twentieth of May eighteen hundred and sixty three.

H. S. SANFORD
CH. ROGIER